THE SUMMER VILLAGE OF ISLAND LAKE

LAND USE BYLAW No. 117-85

SUMMER VILLAGE OF ISLAND LAKE

Land Use Bylaw
No. 117-85

published by Alberta Municipal Affairs

BYLAW NUMBER 117-85

Being the Summer Village of Island Lake Land Use Bylaw

WHEREAS The Planning Act, R.S.A. 1980, and amendments thereto authorize the council of a municipality to enact a land use bylaw to regulate and control the use and development of land and buildings within the municipality; and

WHEREAS The Council of the Summer Village of Island Lake deems it desirable to adopt a land use bylaw:

NOW THEREFORE, the Summer Village of Island Lake hereby repeals Land Use Bylaw No. 71-79 and adopts this as the Summer Village of Island Lake Land Use Bylaw.

READ A FIRST TIME THIS 10th day of June, 1985.
READ A SECOND TIME THIS 13th day of August, 1985.
READ A THIRD AND FINAL TIME THIS 13th day of August, 1985.

Irene M. Hreehuk
Mayor

Municipal Administrator

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Summer Village of Island Lake
Land Use Bylaw

Part 1 General Administrative Procedures and Agencies

1.1 Purpose

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Summer Village to achieve the orderly and economic development of land. To this end the Bylaw, amongst other matters:

(a) divides the Summer Village into Districts;
(b) describes the purposes for which land and buildings may be used;
(c) establishes a method of making decisions on development permit applications;
(d) prescribes the procedure for notifying landowners likely to be affected by the issuance of a development permit.

1.2 Control of Development

No development other than that designated in Section 1.3 shall be undertaken within the Summer Village unless an application for it has been approved and a development permit has been issued by the Municipal Planning Commission.

1.3 Development Not Requiring a Development Permit

The following development shall not require a development permit:

(a) the carrying out of work or maintenance to any building provided that such works do not include structural alterations or major renovations;

(b) the completion and use of a building which was lawfully under construction on the date this Bylaw comes into effect provided that the building is completed in accordance with the terms of any permit granted and subject to the conditions of that permit;

(c) the erection or maintenance of gates, fences, or other means of enclosure (other than on corner lots) less than one metre in height in front yards and less than two metres in height in side and rear yards;

(d) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been issued under this Bylaw;

(e) the maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, provincial, and municipal public authorities on land which is publicly owned or controlled.

1.4 Municipal Planning Commission

The Municipal Planning Commission, as established by Bylaw No. 78-79, shall:

(a) perform such duties as specified in Part 2 of this Bylaw;

(b) administer this Bylaw and receive, consider and decide upon all development permit applications;

(c) keep for the inspection of the public at reasonable times, a copy of this Bylaw and all amendments to it, and ensure that copies are available at a reasonable charge.

1.5 Development Appeal Board

The Development Appeal Board, being Council, shall perform such duties as specified in Part 2 of this Bylaw and in the Planning Act, R.S.A. 1980.

1.6 Planning Branch, Alberta Municipal Affairs

The Municipal Planning Commission or Council may request the advice of the Director of the Planning Branch, Alberta Municipal Affairs, or a representative, on matters pertaining to this Bylaw.

Part 2 Development Application and Appeal Process

2.1 Application for Development

An application form for a development permit shall be completed and submitted to the Municipal Planning Commission and shall be accompanied by:

(a) a site plan in duplicate showing the legal description, the front, rear and side yards, and any provision for vehicle parking and access to the site;

(b) building dimensions;

(c) a statement of uses;

(d) a statement of ownership of land and interest of the applicant therein;

(e) the estimated commencement and completion dates;

(f) the estimated cost of the project or contract price;

(g) an application fee of $10;

(h) any other information as required by the Municipal Planning Commission.

2.2 Decision Process

1. In making a decision the Municipal Planning Commission may approve the application with or without conditions, or refuse the application.

2. Where a development permit application is refused, the submission of another application for a permit on the same property and for the same or similar use of land may not be accepted by the Municipal Planning Commission for at least six months after the date of the previous refusal.

3. The Municipal Planning Commission may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Municipal Planning Commission:

   a) the proposed development would not

      i. unduly interfere with the amenities of the neighbourhood, or

      ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties, and

   b) the proposed development does not conflict with the use prescribed for the land or building in this Bylaw.

4. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not made within 40 days after the Municipal Planning Commission receives the application. The applicant may appeal the decision as though the application had been refused.

2.3 Development Permits and Notices

1. A development permit does not come into effect until 15 days after the date the decision is publicized as described in subsection 2.3.3. Any development proceeded with prior to the expiry of this period is done solely at the risk of the applicant.

2. When an appeal is made pursuant to Section 2.4, a development permit which has been granted does not come into effect until the appeal has been determined. The permit may then be modified or nullified.

3. When a permit has been issued, the Municipal Planning Commission shall:

   a) immediately mail a notice in writing to all adjacent landowners who in the opinion of the Municipal Planning Commission may be affected; and/or

   b) immediately publish a notice in a newspaper circulating in the Summer Village stating the location of the property and the use approved.

4. If the development authorized by a permit is not commenced within 12 months from the date of the permit's issue, or carried out with reasonable diligence, the permit is deemed to be void unless an extension has been granted by the Municipal Planning Commission.

5. A decision of the Municipal Planning Commission on a development permit application shall be given in writing and a copy of it sent to the applicant.

6. When the Municipal Planning Commission refuses a development permit application, the decision shall contain reasons for the refusal.

2.4 Appeal Procedure

1. An appeal may be made to the Development Appeal Board where the Municipal Planning Commission:

   a) refuses a development permit application; or

   b) fails to render a decision on a development permit application within 40 days of its receipt;

   c) approves a development permit application; or

   d) issues an order under subsection 3.1 of this Bylaw.

2. The person applying for the permit, or affected by the order, or any other person, may appeal to the Development Appeal Board.

3. An appeal shall be made by serving a written notice of appeal to the Development Appeal Board within 14 days after:

   a) the date the order, decision, or permit was publicized; or

   b) the 40 day period referred to in subsection 2.2.4 has expired.

4. Appeal hearings and procedures shall be pursuant to Sections 84 and 85 of the Planning Act, R.S.A. 1980.

Part 3 Contravention, Amendment and Nonconforming Uses and Buildings

3.1 Contravention

1. Where a development does not comply with the Planning Act or regulations, a development permit, subdivision approval, or this Land Use Bylaw, the Municipal Planning Commission may take action pursuant to Sections 81 and 82 of the Planning Act R.S.A. 1980 including ordering the development stopped, demolished or removed.

2. Under Section 82 of the Planning Act R.S.A. 1980, the costs of any order carried out by Council or an appointed person will be placed on the tax roll for the property in question.

3. The chairperson of the Municipal Planning Commission shall be declared an authorized person of Council pursuant to Section 43 of the Planning Act R.S.A. 1980.

4. A person who contravenes any provision of this Bylaw, development permit or an order issued pursuant to subsection 3.1.1 is guilty of an offence and is liable for a fine not to exceed $2500.

3.2 Amendment

Council may amend or repeal this Bylaw pursuant to Sections 139 and 140 of the Planning Act R.S.A. 1980. Requests for amendment may be made using Form G included in Part 7 of this Bylaw.

3.3 Nonconforming Uses and Buildings

Buildings and uses which are not in conformance with this Bylaw are subject to the provisions of Section 74 of the Planning Act R.S.A. 1980 which defines the conditions under which they may be continued.

Part 4 Land Use Districts

4.1 Establishment of Districts

1. For the purpose of this Bylaw the Summer Village of Island Lake is divided into the following districts:

   R Residential District
   P Community District
   UR Urban Reserve District
   C Commercial District

2. The boundaries of these Districts are as shown on the Land Use District Map (p. 9).

4.2 Residential (R1)

1. Permitted Uses

(a) Single family dwellings
(b) Accessory buildings and uses

2. Discretionary Uses

(a) Guest houses
(b) Recreational vehicles
(c) Home occupations
(d) Other similar uses as approved by the Municipal Planning Commission

3. Regulations

1) Height maximum
   Principle building - 2 stories
   Accessory building - 1 storey

2) Minimum yard setbacks for principle buildings (see figure one, p. 10)
   front - 8m (25')
   rear - 8m (25')
   side - 10% of the lot width or at the discretion of the Municipal Planning Commission

3) Minimum yard setbacks and requirements for accessory buildings (see figure one, p. 10)

4) Maximum Lot Coverage
   Dwellings - 23%
   Accessory - 12%
   Others as required by the Municipal Planning Commission

5) Maximum Floor Area for Guest Houses
   13 m^2 (140 $ft.^2$)

6) All development shall be required to install sewage disposal systems which have been approved by the authority having jurisdiction.

7) All other site requirements shall be as approved by the Municipal Planning Commission.

4.3 Urban Reserve (UR)

1. Permitted Uses

(a) Single family dwellings
(b) Accessory buildings and uses
(c) Extensive agriculture

2. Discretionary Uses

(a) Guest houses
(b) Recreational vehicles
(c) Home occupations
(d) Other similar uses as approved by the Municipal Planning Commission

3. Regulations

1) The provisions of this District shall be the same as for Residential District R1.

2) Any resubdivision shall comply with the lot size standards established in the Island Lake Area Structure Plan.

4.4 Community District (P)

This district consists of land owned by the Summer Village or other government for public use.

1. Permitted Uses

(a) Natural open space areas

2. Discretionary Uses

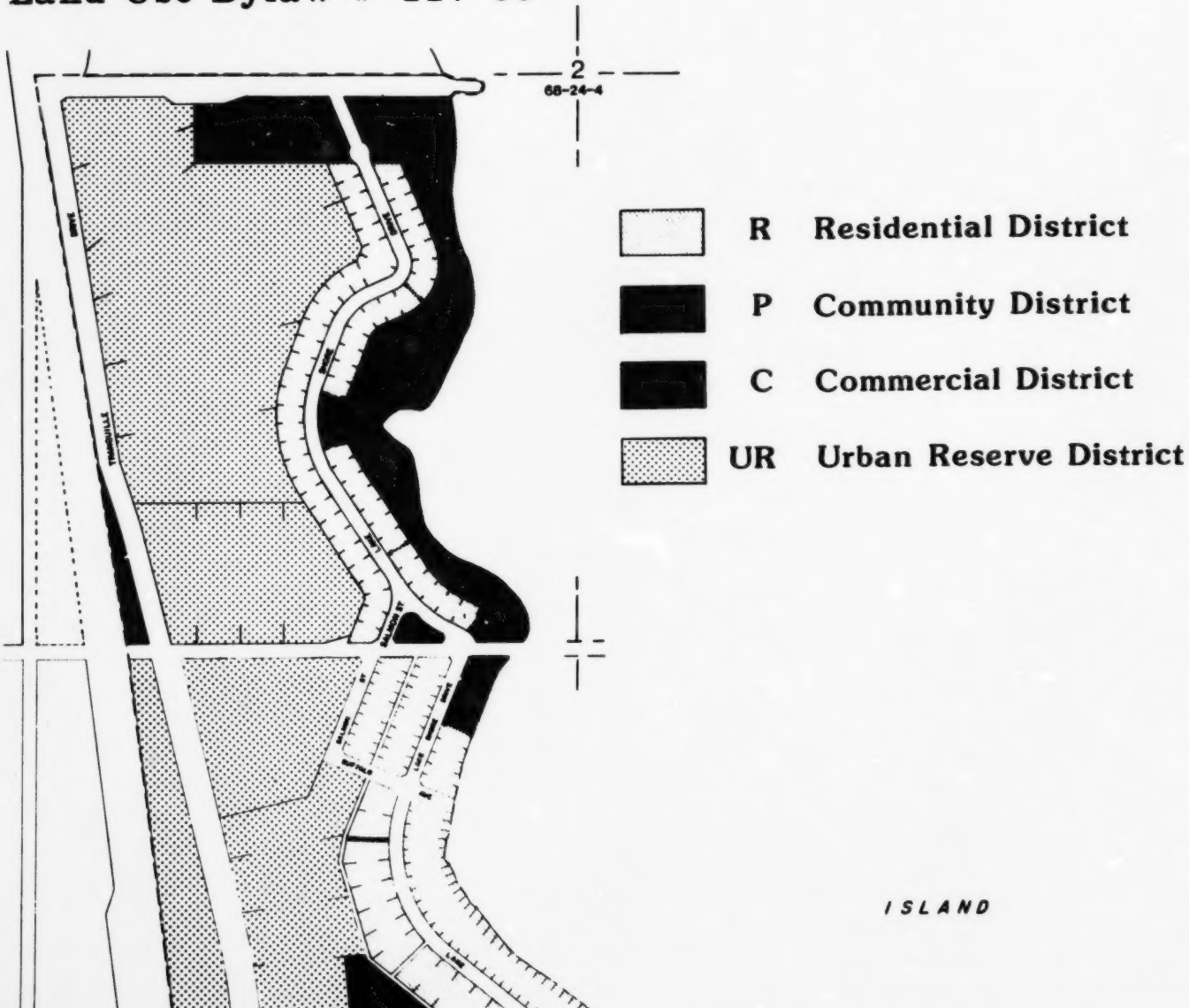
(a) Public recreational facilities and uses
(b) Public utility installations and uses

3. Regulations

All site requirements shall be as approved by the Municipal Planning Commission.

Land Use District Map

Summer Village of Island Lake
Land Use Bylaw # 117-85



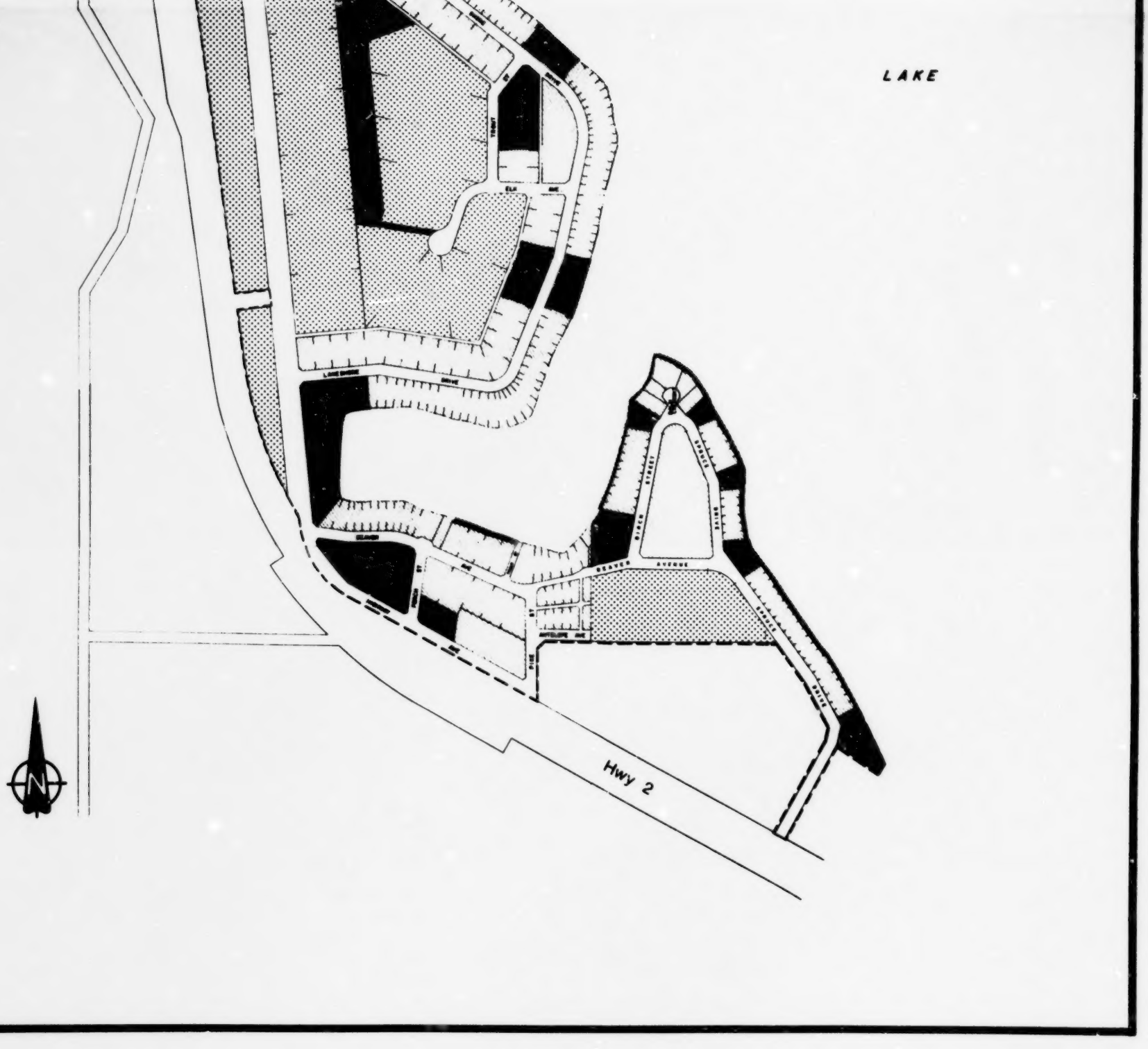
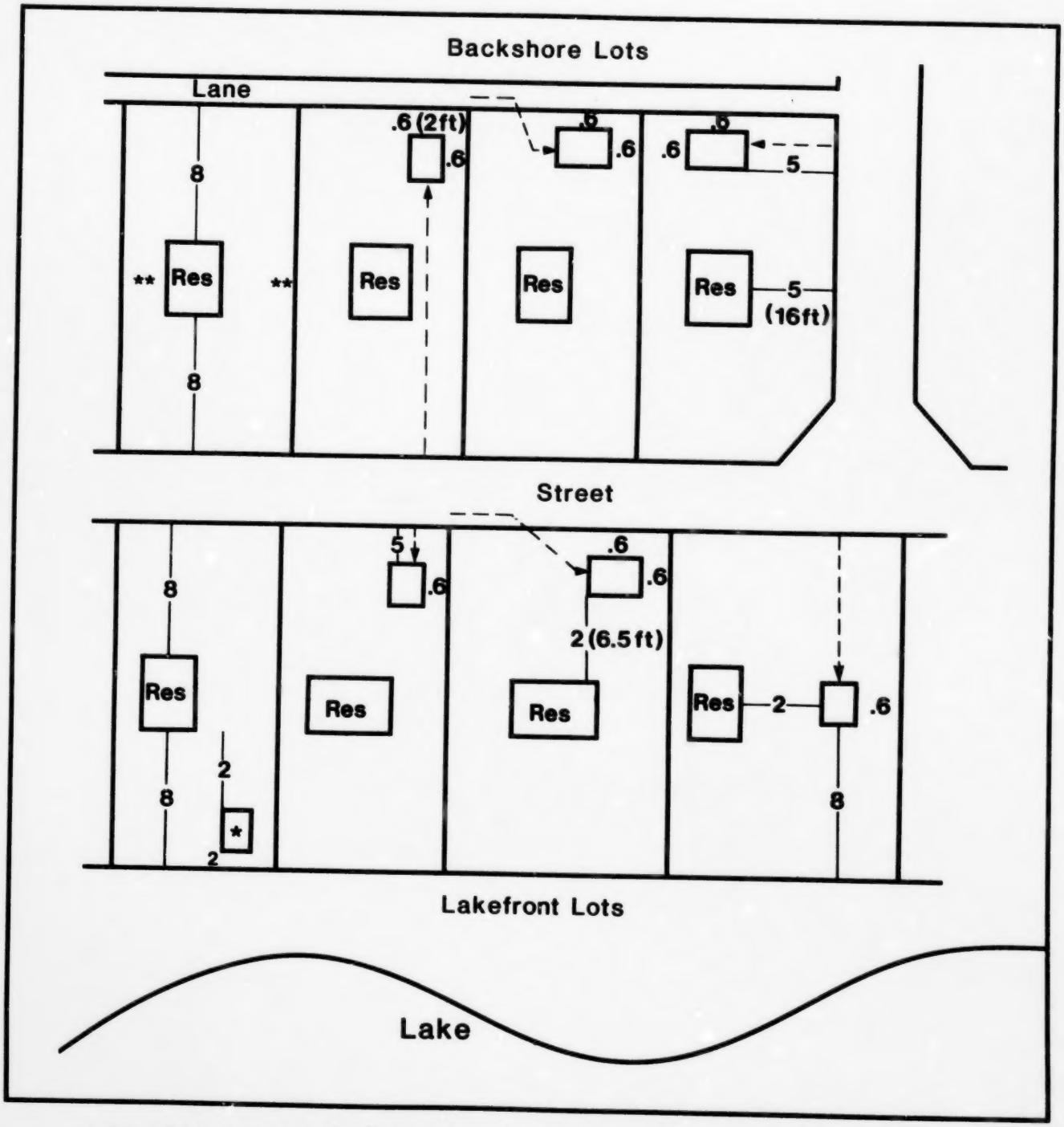

LAKE
Hwy 2
N

Figure 1

Minimum Site Requirements for Residences and Accessory Buildings



*no car garages shall be permitted on the lake-side yard.

**side-yard requirements for dwellings - see regulation 4•2•3 (pg.7).

N.B. - distances are in metres

4.5 Commercial (C)

All commercial uses and site requirements shall be at the discretion of the Municipal Planning Commission.

Part 5 Land Use Regulations and Provisions

5.1 Number of Dwelling Units on a Lot

Only one dwelling unit may be permitted on each lot except as provided for under Section 78 of the Planning Act, R.S.A. 1980.

5.2 Guest Houses

One guest house, being defined as a separate building on a private lot used for the accommodation of guests but not containing cooking or toilet facilities, may be permitted on each lot.

5.3 Landscaping

a) Landscaping and planting must be carried out within a reasonable time period and shall be to the satisfaction of the Municipal Planning Commission. Residential lots are to be kept free from extensive weed growth.

b) The extensive clearing of trees is subject to a development permit.

5.4 Topsoil Excavation

No person shall commence or continue the removal of topsoil without first obtaining a development permit. Topsoil and landscaping sufficient to avoid erosion are required, as determined by the Municipal Planning Commission.

5.5 Drainage

Any landscaping or topographic reconstruction shall be such that the finished surface contours do not redirect surface drainage onto another lot.

5.6 Slope

Development shall not be permitted on steep slopes (in excess of 15%), on unstable slopes or lands characterized by soil instability, poor drainage, or flooding.

5.7 Objects Prohibited or Restricted in Yards

No person shall keep or permit in any part of a yard:

a) any dismantled or wrecked vehicle for more than 14 successive days;

b) any object which, in the opinion of the Municipal Planning Commission, is unsightly or tends to adversely affect the amenities of the Summer Village;

c) any excavation, storage, or piling up of materials required during the construction stage unless all necessary safety measures are undertaken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete the particular stage of construction work;

d) any fur bearing animals, fowl, or livestock other than domestic pets.

5.8 Accessory Buildings

1) An accessory building shall not be used as a dwelling.

2) The siting of an accessory building shall be in accordance with figure one

3) The siting of an accessory building on an irregular shaped parcel shall be as approved by the Municipal Planning Commission.

5.9 Sanitary Facilities

All buildings to be used as a dwelling unit shall be provided with sanitary facilities to the satisfaction of the Local Health Authority and/or the Provincial Plumbing Inspector.

5.10 Parking and Access

1. The location of vehicular access to a lot shall be as approved by the Municipal Planning Commission.

2. Unless otherwise approved by the Municipal Planning Commission, a parking space shall not be less than 2.5m wide and 5.5m long and shall be located on the same lot as the main building.

3. Construction of entrances and exits, including culverts if required, shall be at the expense of the landowner and to the satisfaction of Council.

5.11 Signs

Any permanent sign or advertising structure shall be subject to a development permit and shall be to the satisfaction of the Municipal Planning Commission.

5.12 Corner Lots

Notwithstanding any other provision contained in this Bylaw, landscaping, the erection of fences, walls or other means of enclosure on a corner lot shall be to the satisfaction of the Municipal Planning Commission to ensure that vision around the corner is not hindered.

5.13 Mobile Homes

(1) Mobile homes shall have Canadian Standard Association Certification.

(2) All accessory structures, such as patios, porches, additions and skirtings, shall be:
   (a) factory prefabricated units or the equivalent, and so designed and erected as to harmonize with the mobile home;
   (b) considered as part of the main building;
   (c) erected only after obtaining a development permit.

(3) A mobile home shall be skirted from the floor level to the ground level.

(4) The wheels are to be removed from the mobile home.

(5) All mobile homes shall be placed on a foundation or base. The mobile home is to be attached by means of bolting or otherwise to the foundation or base.

5.14 Recreational Vehicles

(1) Where a recreational vehicle is to be maintained on a parcel for more than 21 consecutive days it shall require a development permit and shall be located in a manner satisfactory to the Municipal Planning Commission.

(2) No more than two recreational vehicles shall be permitted on a lot at any time.

5.15 Home Occupations

(1) A home occupation shall be clearly incidental and secondary to the main residential use and shall not change or disrupt the residential character of the neighbourhood.

(2) All development permits issued for home occupations shall be revocable at any time if, in the opinion of the Municipal Planning Commission, the use is or has become detrimental to the amenities of the neighbourhood.

5.16 Shoreline Reserve

Under provincial law, most development on the bed or shoreline of a lake (up to tne high water mark) is required to obtain a License of Occupation from Alberta Energy & Natural Resources prior to construction. Improvements not requiring a License include minor bank stabilization, erection of a small removable seasonal domestic pier, or placement of a removable boatlift on the lakebed during the summer montns.

Further information may be obtained from:

Alberta Energy & Natural Resources
Land Management & Development Branch
South Petroleum Plaza
EDMONTON, Alberta T5K 2L9
427-5209

Part 6 Definitions

For the purposes of the interpretation of this Bylaw.

1. 'accessory building' or 'accessory use' means a building or use which is subordinate or incidental to the principal building or use located on the same parcel;

2. 'building' includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway;

3. 'Council' means the Council of the Summer Village of Island Lake;

4. 'commercial use' means an outlet through which products or services are available to consumers and does not include the manufacturing of products;

5. 'development' means:
   a) an excavation or stockpile and the creation of either of them, or
   b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
   c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of land or building, or
   d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

6. 'development permit' means a document authorizing a development issued pursuant to this Bylaw;

7. 'discretionary use' means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;

8. 'dwelling' means a building for the use of a single housekeeping unit intended as a permanent or semi-permanent residence;

9. 'extensive agriculture' means the use of land or buildings, including the first dwelling or mobile home, for the production of crops;

10. 'front yard' means a yard extending across the full width of a parcel from the front line (fronting the road) of the parcel to the front wall of the principal building situated on the parcel;

11. 'guest house' means a building on a private lot, incidental to the principle building, used for the accommodation of guests but not containing cooking or toilet facilities;

12. 'home occupation' means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character of the area;

13. 'lot' means the aggregate of one or more areas of land described in a Certificate of Title;

14. 'mobile home' means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried and which can provide year round living accommodation and be connected to utilities;

15. 'non-conforming building' means a building
    (a) that is lawfully constructed or lawfully under construction at the date this Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and

    (b) that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

16. 'nonconforming use' means a lawful specific use
    (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date this Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
    (b) that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw;

17. 'permitted use' means the use of land or a building for which a development permit shall be issued upon an application having been made if all the requirements of this Bylaw are met;

18. 'principal building' means a building, which in the opinion of the Municipal Planning Commission:
    (a) occupies the major or the central portion of a site, or
    (b) is the chief or the main one among the buildings on the site, or
    (c) constitutes by reason of its use the primary purpose for which the site is used;

19. 'public recreation uses and facilities' means organized campgrounds, day use areas, picnic sites and other similar uses;

20. 'rear yard' means a yard extending across the full width of the parcel from the rear wall of the principal building situated on the parcel, to the rear line of the parcel;

21. 'recreational vehicle' means a venicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted or drawn by another venicle;

22. 'side yard' means a yard extending from the front wall of the principal building situated on a parcel to the rear wall of the main building and laying between the side line of the parcel and the side wall of the principal building;

23. 'site plan' means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no buildings are situated, and showing fencing, screening, grassed areas, and the location and species of all existing and proposed shrubs and trees within the development;

24. 'temporary' means a period of time up to 1 year;

25. 'temporary building' means a building, other than a mobile home, constructed without any foundation below grade or any other building determined by the Development Officer to be temporary as a condition to the issuance of the development permit;

26. 'yard' means a part of a parcel upon or over which no main building is erected;

and all other words and expressions have the meanings respectively assigned to them in the Act.

Part 7 Forms

FORM A

Application No. _____

APPLICATION FOR DEVELOPMENT

I/We hereby make application for a development under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith and which forms part of this application.

Applicant: _____

Address: _____ Tel. No.: _____

Registered Owner of Land: _____

Address: _____

Address of property on which the development is to be effected: _____

_____

Lot (parcel) _____ Block _____ Registered Plan No. _____

Existing use of land or building on the property: _____

Proposed use of land or building on the property: _____

Lot type: Interior _____ Corner _____

Lot width: _____ Lot length: _____ Lot area: _____

Proposed Yards, Front: _____ Rear _____ Side _____

Floor Area: _____

Percentage of Lot Occupied: _____

Building Height: _____

Accessory Use: _____

Percentage of Lot Occupied: _____

Height of Accessory Building: _____

Set back from side lot line: _____ Set back from rear lot line: _____

Estimated commencement date: _____ Estimated completion date: _____

Estimated value of Development: _____

Interest of Applicant if not owner of property: _____

Other supporting material attached: _____

Signature of Applicant: _____ Date: _____

FORM B

Permit No. _____

DEVELOPMENT PERMIT

Development involving Application No. _____ has been:

APPROVED

APPROVED, subject to the following conditions,

You are hereby authorized to proceed with the development specified provided that any stated conditions are complied with; that development is in accordance with any approved plans and applications; and, that all applicable permits are obtained. Should an appeal be made against this decision to the Development Appeal Board, the development permit does not come into effect until the appeal has been determined and the permit may be modified or nullified.

Date of Decision _____ Date of Issue of Development Permit _____

Signature of Municipal Planning Commission chairperson _____

NOTE:

1. A Development Permit is subject to the condition that it does not become effective until 15 days after the date of issue.
2. The Land Use Bylaw provides that any person claiming to be affected by a decision of the Municipal Planning Commission may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.
3. A permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.

FORM C

Re: Application No. _____

NOTICE OF REFUSAL

You are hereby notified that your application for a development permit has been R E F U S E D for the following reasons:

You may appeal this decision to the Development Appeal Board in accordance with Subsection 2.4 of the Land Use Bylaw. The appeal is to be made in writing to the Secretary of the Development Appeal Board within fourteen (14) days after the date of issue of this notice and is to explain grounds for the appeal.

Date of Decision _____

Date of Notice of the Decision _____

_____
Municipal Planning Commission chairperson

FORM D

Re: Application No: _____

NOTICE OF DECISION OF THE MUNICIPAL PLANNING COMMISSION

This is to notify you of a decision of the Development Officer whereby a development permit has been issued authorizing the following development.

Address of property: _____

Lot: _____ Block: _____ Registered Plan: _____

or Certificate of Title: _____

Date of Decision: _____

The Land Use bylaw provides that any person claiming to be affected by a decision of the Municipal Planning Commission may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.

FORM E

Re: Application No: _____

NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the Development Appeal Board against a decision on Application No. _____ concerning: _____

_____

_____

The decision was to _____ the development permit.

Place of Hearing: _____

Time of Hearing: _____

Date of Hearing: _____

Any person affected by the decision of the Development Officer may appeal to the Development Appeal Board. Anyone wishing to be heard at the meeting must submit written briefs to the Secretary of the Development Appeal Board before _____.

_____
Date

_____
Secretary,
Development Appeal Board

FORM F

Re: Application No: _____
Development Permit No: __

NOTICE OF APPEAL DECISION

This is to notify you that an appeal against a decision with respect to Application No._____/Development Permit No._____ was considered by the Development Appeal Board on _____, 19__ and the decision of the Board is as follows and for the following reasons.

_____ Date

_____ Secretary
Development Appeal Board

Note: A decision of the Development Appeal Board is final and binding and subject only to an appeal upon a question of jurisdiction or law pursuant to Section 152 of the Planning Act, R.S.A. 1980. An application for leave to appeal may be made to a judge of the Court of Appeal within 30 days after the issue of the decision by the Development Appeal Board.

FORM 6

APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW

I/We hereby make application to amend the Land Use Bylaw.

Applicant: Name _____ Telephone _____

Address _____

Owner of Land: Name _____ Telephone _____

Land Description: Lot _____ block _____ Registered Plan _____

Certificate of Title _____

Amendment Proposed

FROM _____ TO _____

Reasons in support of Application for Amendment

DATE _____ SIGNED _____